

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-CV-11584  
Honorable Denise Page Hood

TREVA MCLILLEY,

Defendant.

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**ORDER**

Now before the Court is Treva C. McLilley's Request for Hearing on the Government's Application for Writ of Continuing Garnishment. McLilley defaulted on a student loan in 1987. The Government filed suit against her on April 3, 2006 and McLilley was properly served. After she failed to respond, a default was entered against her on June 6, 2006. McLilley made two payments in 2007. Her wages and state income taxes were garnished in 2008 and 2009. McLilley now indicates that she is unable to make the payments.

The Court "may issue a writ of garnishment against property (including nonexempt disposable earnings) in which the debtor has a substantial nonexempt interest and which is in the possession, custody, or control of a person other than the debtor, in order to satisfy the judgment against the debtor." 28 U.S.C. § 3205. "The judgment debtor bears the burden of proving that [s]he is entitled to the exemption." *United States v. Sawaf*, 74 F.3d 119, 122 (6th Cir. 1996) (citing 28

U.S.C. § 3014(b)). McLilley only indicates that she is experiencing financial hardship and is unable to pay. The Government noted that it was willing to work with McLilley to set up a reasonable payment plan. A hearing was held on July 31, 2013 and a new hearing date was set for August 28, 2013.

Counsel for the Plaintiff appeared for the hearing on August 28, 2013. The Notice to Appear sent to Defendant, Treva McLilley was returned, "Mail Returned Undeliverable." Counsel for Plaintiff told the court that she had attempted to contact McLilley at her last known address and through her place of employment, Southgate Adult Care, but was unable to reach her. Counsel's letter to McLilley at her address of record was returned. Counsel for Plaintiff attempted to contact her at a new address but received no response.

Defendant's Request for Hearing About the Answer Filed By the Garnishee, treated also as an objection to the garnishment, [Docket No. 36, filed December 6, 2012] is **DENIED**.

**IT IS SO ORDERED.**

S/Denise Page Hood  
Denise Page Hood  
United States District Judge

Dated: August 29, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 29, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry  
Case Manager